

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 779

Introduced by Assembly Member Cristina Garcia

February 25, 2015

An act to amend ~~Section 21099~~ Sections 65088, 65088.1, 65088.4, 65089, 65089.3, and 65089.4 of the ~~Public Resources~~ Government Code, relating to ~~environmental quality~~ transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Cristina Garcia. ~~Environmental quality: transit priority areas. Transportation: congestion management program.~~

Existing law requires the development, adoption, and updating of a congestion management program with specified elements for each county that includes an urbanized area, as defined. The program is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The regional agency is then directed to monitor the implementation of all elements of each congestion management program. Existing law defines “infill opportunity zone” for purposes of the above-described provisions to mean a specified area designated by a city or county according to

certain provisions and that is within a specified distance of a major transit stop or high-quality transit corridor.

This bill would revise the definition of “infill opportunity zone” to not require that it be within a specified distance of a major transit stop or high-quality transit corridor. The bill would revise the requirements for a congestion management program by removing traffic level of service standards established for a system of highways and roadways as a required element and instead requiring measures of effectiveness for a system of highways and roadways. The bill would also require the program to analyze the relationship between local land use decisions and regional transportation systems, instead of analyzing impacts of the land use decisions on the transportation systems. The bill would delete existing law’s prohibition on including an estimate of the costs of mitigating the impacts of interregional travel and the requirement that the program provide credit for local public and private contributions to improvements to regional transportation systems. The bill would also require, to the extent the program identifies capacity enhancements, the evaluation of the potential for capacity enhancement to induce additional travel. To the extent this bill would impose additional duties on local officials relating to the development of a congestion management program, this bill would impose a state-mandated local program.

Existing law requires a local jurisdiction to prepare a deficiency plan with specified components when highway or roadway level of service standards are not maintained on segments or intersections, including an analysis of the cause of the deficiency, list of improvements necessary to maintain minimum levels of service, and estimated costs of the improvements.

This bill would instead require a deficiency plan to be prepared if the agency determines the county or its cities is not conforming with the congestion management plan, and would remove the requirements that a list of improvements necessary and the estimated costs of the improvements be included in a deficiency plan. The bill would exempt from the deficiency cause analysis improvements to facilities for bicyclists, pedestrians, and public transportation, traffic generated by a transit priority project, and traffic generated by a mixed use development located within a transit priority project area or infill opportunity zone.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.~~

~~CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, proposed revisions to the guidelines for the implementation of CEQA to establish criteria for determining the significance of transportation impacts of projects within transit priority areas that, among other things, promote the reduction of greenhouse gas emissions.~~

~~This bill would authorize the Office of Planning and Research to determine that transportation impacts for residential and mixed-use projects in transit priority areas do not meet the threshold of significance.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65088 of the Government Code is
- 2 amended to read:
- 3 65088. The Legislature finds and declares all of the following:
- 4 (a) Although California's economy is critically dependent upon
- 5 transportation, its current transportation system relies primarily
- 6 upon a street and highway system designed to accommodate far
- 7 fewer vehicles than are currently using the system.

1 (b) California's transportation system is characterized by
2 fragmented planning, both among jurisdictions involved and among
3 the means of available transport.

4 (c) The lack of an integrated system and the increase in the
5 number of vehicles are causing traffic congestion that each day
6 results in 400,000 hours lost in traffic, 200 tons of pollutants
7 released into the air we breathe, and three million one hundred
8 thousand dollars (\$3,100,000) added costs to the motoring public.

9 (d) To keep California moving, all methods and means of
10 transport between major destinations must be coordinated to
11 connect our vital economic and population centers.

12 (e) In order to develop the California economy to its full
13 potential, it is intended that federal, state, and local agencies join
14 with transit districts, business, ~~private~~ *private*, and environmental
15 interests to develop and implement comprehensive strategies
16 needed to develop appropriate responses to transportation needs.

17 (f) In addition to solving California's traffic congestion crisis,
18 rebuilding California's cities and suburbs, particularly with
19 affordable housing and more walkable neighborhoods, is an
20 important part of accommodating future increases in the state's
21 population because homeownership is only now available to most
22 Californians who are on the fringes of metropolitan areas and far
23 from employment centers.

24 (g) The Legislature intends to do everything within its power
25 to remove regulatory barriers around the development of infill
26 housing, transit-oriented development, and mixed use commercial
27 development ~~in order~~ to reduce regional traffic congestion and
28 provide more housing choices for all Californians.

29 (h) The removal of regulatory barriers to promote infill housing,
30 transit-oriented development, or mixed use commercial
31 development does not preclude a city or county from holding a
32 public hearing nor *from* finding that an individual infill project
33 would be adversely impacted by the surrounding environment or
34 transportation patterns.

35 (i) *The Legislature intends that the provisions of the act that*
36 *added this subdivision be carried out in a manner that promotes*
37 *reductions in greenhouse gas emissions and vehicle miles traveled,*
38 *related economic, environmental, and health benefits called for*
39 *in the Sustainable Communities and Climate Protection Act of*
40 *2008 (Chapter 728 of the Statutes of 2008), and the implementation*

1 of complete streets, as described in paragraph (2) of subdivision
2 (b) of Section 65302.

3 SEC. 2. Section 65088.1 of the Government Code is amended
4 to read:

5 65088.1. As used in this chapter the following terms have the
6 following meanings:

7 (a) Unless the context requires otherwise, “agency” means the
8 agency responsible for the preparation and adoption of the
9 congestion management program.

10 (b) “Bus rapid transit corridor” means a bus service that includes
11 at least four of the following attributes:

12 (1) Coordination with land use planning.

13 (2) Exclusive right-of-way.

14 (3) Improved passenger boarding facilities.

15 (4) Limited stops.

16 (5) Passenger boarding at the same height as the bus.

17 (6) Prepaid fares.

18 (7) Real-time passenger information.

19 (8) Traffic priority at intersections.

20 (9) Signal priority.

21 (10) Unique vehicles.

22 (c) “Commission” means the California Transportation
23 Commission.

24 (d) “Department” means the Department of Transportation.

25 (e) “Infill opportunity zone” means a specific area designated
26 by a city or county, pursuant to subdivision (c) of Section ~~65088.4~~,
27 ~~that is within one-half mile of a major transit stop or high-quality~~
28 ~~transit corridor included in a regional transportation plan. A major~~
29 ~~transit stop is as defined in Section 21064.3 of the Public Resources~~
30 ~~Code, except that, for purposes of this section, it also includes~~
31 ~~major transit stops that are included in the applicable regional~~
32 ~~transportation plan. For purposes of this section, a high-quality~~
33 ~~transit corridor means a corridor with fixed route bus service with~~
34 ~~service intervals no longer than 15 minutes during peak commute~~
35 ~~hours. 65088.4.~~

36 (f) “Interregional travel” means any trips that originate outside
37 the boundary of the agency. A “trip” means a one-direction vehicle
38 movement. The origin of any trip is the starting point of that trip.
39 A roundtrip consists of two individual trips.

(g) “Level of service standard” is a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

(h) “Local jurisdiction” means a city, a county, or a city and county.

(i) “Multimodal” means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized, and demand management—~~strategies~~ *strategies*, including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies may vary by county and region in accordance with the size and complexity of different urbanized areas.

(j) (1) “Parking cash-out program” means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. “Parking subsidy” means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

(2) A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(k) “Performance measure” is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.

1 (l) “Urbanized area” has the same meaning as is defined in the
2 1990 federal census for urbanized areas of more than 50,000
3 population.

4 (m) Unless the context requires otherwise, “regional agency”
5 means the agency responsible for preparation of the regional
6 transportation improvement program.

7 *SEC. 3. Section 65088.4 of the Government Code is amended*
8 *to read:*

9 65088.4. (a) It is the intent of the Legislature to balance the
10 need for level of service standards for traffic with the need to build
11 infill housing and mixed use commercial developments within
12 walking distance of mass transit facilities, downtowns, and town
13 centers and to provide greater flexibility to local governments to
14 balance these sometimes competing needs.

15 (b) Notwithstanding any other provision of law, *if level of*
16 *service standards described in Section 65089 are used in a*
17 *congestion management program, those standards shall not apply*
18 *to the streets and highways within an infill opportunity zone.*

19 (c) The city or county may designate an infill opportunity zone
20 by adopting a resolution after determining that the infill opportunity
21 zone is consistent with the general plan and any applicable specific
22 plan, and is a transit priority area within a sustainable communities
23 strategy or alternative planning strategy adopted by the applicable
24 metropolitan planning organization.

25 *SEC. 4. Section 65089 of the Government Code is amended to*
26 *read:*

27 65089. (a) A congestion management program shall be
28 developed, adopted, and updated biennially, consistent with the
29 schedule for adopting and updating the regional transportation
30 improvement program, for every county that includes an urbanized
31 area, and shall include every city and the county. The program
32 shall be adopted at a noticed public hearing of the agency. The
33 program shall be developed in consultation with, and with the
34 cooperation of, the transportation planning agency, regional
35 transportation providers, local governments, the department, and
36 the air pollution control district or the air quality management
37 district, either by the county transportation commission, or by
38 another public agency, as designated by resolutions adopted by
39 the county board of supervisors and the city councils of a majority

1 of the cities representing a majority of the population in the
2 incorporated area of the county.

3 (b) The program shall contain all of the following elements:

4 (1) ~~(A) Traffic level of service standards~~ *Measures of*
5 *effectiveness* established for a system of highways and roadways
6 designated by the agency. The highway and roadway system shall
7 include at a minimum all state highways and principal arterials.
8 No highway or roadway designated as a part of the system shall
9 be removed from the system. All new state highways and principal
10 arterials shall be designated as part of the system, except when it
11 is within an infill opportunity zone. ~~Level of service (LOS) shall~~
12 ~~be measured by Circular 212, by the most recent version of the~~
13 ~~Highway Capacity Manual, or by a uniform methodology adopted~~
14 ~~by the agency that is consistent with the Highway Capacity Manual.~~
15 ~~The determination as to whether an alternative method is consistent~~
16 ~~with the Highway Capacity Manual shall be made by the regional~~
17 ~~agency, except that the department instead shall make this~~
18 ~~determination if either (i) the regional agency is also the agency,~~
19 ~~as those terms are defined in Section 65088.1, or (ii) the department~~
20 ~~is responsible for preparing the regional transportation~~
21 ~~improvement plan for the county.~~

22 (B) ~~In no case shall the LOS standards established be below the~~
23 ~~level of service E or the current level, whichever is farthest from~~
24 ~~level of service A except when the area is in an infill opportunity~~
25 ~~zone. When the level of service on a segment or at an intersection~~
26 ~~fails to attain the established level of service standard outside an~~
27 ~~infill opportunity zone, a deficiency plan shall be adopted pursuant~~
28 ~~to Section 65089.4.~~

29 (2) A performance element that includes performance measures
30 to evaluate current and future multimodal system performance for
31 the movement of people and goods. At a minimum, these
32 performance measures shall incorporate highway and roadway
33 system performance, and measures established for the frequency
34 and routing of public transit, and for the coordination of transit
35 service provided by separate operators. These performance
36 measures shall support mobility, air quality, *greenhouse gas*
37 *emissions reductions*, land use, and economic objectives, and shall
38 be used in the development of the capital improvement program
39 required pursuant to paragraph (5), deficiency plans required

pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze ~~the impacts of the relationship between~~ land use decisions made by local jurisdictions ~~on~~ and regional transportation systems, ~~including an estimate of the costs associated with mitigating those impacts. as reflected in regional transportation plans.~~ This program shall measure, to the extent possible, the ~~impact to effectiveness of~~ the transportation system using the performance measures described in paragraph (2). ~~In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions which are unreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.~~

(5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and ~~goods, to mitigate regional transportation impacts identified pursuant to paragraph (4).~~ goods. *To the extent that the program identifies capacity enhancements, the program shall evaluate the potential for the capacity enhancement to induce additional travel.* The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the

1 program, consideration be given for maintaining bicycle access
2 and safety at a level comparable to that which existed prior to the
3 improvement or alteration. The capital improvement program may
4 also include safety, maintenance, and rehabilitation projects that
5 do not enhance the capacity of the system but are necessary to
6 preserve the investment in existing facilities.

7 (c) The agency, in consultation with the regional agency, cities,
8 and the county, shall develop a uniform data base on ~~traffic impacts~~
9 *transportation conditions* for use in a countywide transportation
10 computer model and shall approve transportation computer models
11 of specific areas within the county that will be used by local
12 jurisdictions to determine the quantitative impacts of development
13 on the circulation system that are based on the countywide model
14 and standardized modeling assumptions and conventions. The
15 computer models shall be consistent with the modeling
16 methodology adopted by the regional planning agency. The data
17 bases used in the models shall be consistent with the data bases
18 used by the regional planning agency. Where the regional agency
19 has jurisdiction over two or more counties, the data bases used by
20 the agency shall be consistent with the data bases used by the
21 regional agency.

22 (d) (1) The city or county in which a commercial development
23 will implement a parking cash-out program that is included in a
24 congestion management program pursuant to subdivision (b), or
25 in a deficiency plan pursuant to Section 65089.4, shall grant to
26 that development an appropriate reduction in the parking
27 requirements otherwise in effect for new commercial development.

28 (2) At the request of an existing commercial development that
29 has implemented a parking cash-out program, the city or county
30 shall grant an appropriate reduction in the parking requirements
31 otherwise applicable based on the demonstrated reduced need for
32 parking, and the space no longer needed for parking purposes may
33 be used for other appropriate purposes.

34 (e) Pursuant to the federal Intermodal Surface Transportation
35 Efficiency Act of 1991 and regulations adopted pursuant to the
36 act, the department shall submit a request to the Federal Highway
37 Administration Division Administrator to accept the congestion
38 management program in lieu of development of a new congestion
39 management system otherwise required by the act.

1 *SEC. 5. Section 65089.3 of the Government Code is amended*
2 *to read:*

3 65089.3. The agency shall monitor the implementation of all
4 elements of the congestion management program. The department
5 is responsible for data collection and analysis on state highways,
6 unless the agency designates that responsibility to another entity.
7 The agency may also assign data collection and analysis
8 responsibilities to other owners and operators of facilities or
9 services if the responsibilities are specified in its adopted program.
10 The agency shall consult with the department and other affected
11 owners and operators in developing data collection and analysis
12 procedures and schedules ~~prior to~~ *before* program adoption. At
13 least biennially, the agency shall determine if the county and cities
14 are conforming to the congestion management program, including,
15 but not limited to, all of the following:

16 (a) ~~Consistency with levels of service standards, except as~~
17 ~~provided in Section 65089.4. Achieving performance standards~~
18 ~~for the transportation system as provided in the performance~~
19 ~~element.~~

20 (b) Adoption and implementation of a program to analyze the
21 ~~impacts of relationship between land use decisions, including the~~
22 ~~estimate of the costs associated with mitigating these impacts.~~
23 ~~decisions and the regional transportation system.~~

24 (c) Adoption and implementation of a deficiency plan pursuant
25 to ~~Section 65089.4 when highway and roadway level of service~~
26 ~~standards are not maintained on portions of the designated system.~~
27 ~~65089.4.~~

28 *SEC. 6. Section 65089.4 of the Government Code is amended*
29 *to read:*

30 65089.4. (a) ~~A~~ *If the agency determines that a county or its*
31 ~~cities is not conforming to the congestion management plan, a~~
32 ~~local jurisdiction shall prepare a deficiency plan when highway or~~
33 ~~roadway level of service standards are not maintained on segments~~
34 ~~or intersections of the designated system.~~ *plan.* The deficiency
35 plan shall be adopted by the city or county at a noticed public
36 hearing.

37 (b) The agency shall calculate the impacts subject to exclusion
38 pursuant to subdivision ~~(f) of this section~~ *(f)*, after consultation
39 with the regional agency, the department, and the local air quality
40 management district or air pollution control district. If *level of*

1 *service standards are used in a congestion management program,*
2 *and if the calculated traffic level of service following exclusion*
3 *of these impacts is consistent with the level of service standard,*
4 *the agency shall make a finding at a publicly noticed meeting that*
5 *no deficiency plan is required and so shall notify the affected local*
6 *jurisdiction.*

7 (c) The agency shall be responsible for preparing and adopting
8 procedures for local deficiency plan development and
9 implementation responsibilities, consistent with the requirements
10 of this section. The deficiency plan shall include all of the
11 following:

12 (1) An analysis of the cause of the deficiency. This analysis
13 shall include the following:

14 (A) Identification of the cause of the deficiency.

15 (B) Identification of the impacts of those local jurisdictions
16 within the jurisdiction of the agency that contribute to the
17 deficiency. These impacts shall be identified only if *traffic level*
18 *of service standards are used in the congestion management*
19 *program and if the calculated traffic level of service following*
20 *exclusion of impacts pursuant to subdivision (f) indicates that the*
21 *level of service standard has not been maintained, and shall be*
22 *limited to impacts not subject to exclusion.*

23 ~~(2) A list of improvements necessary for the deficient segment~~
24 ~~or intersection to maintain the minimum level of service otherwise~~
25 ~~required and the estimated costs of the improvements.~~

26 ~~(3)~~

27 (2) A list of improvements, programs, or actions, and estimates
28 of costs, that will (A) measurably improve multimodal
29 performance, using measures defined in paragraphs (1) and (2) of
30 subdivision (b) of Section 65089, and (B) contribute to significant
31 improvements in air quality, such as improved public transit service
32 and facilities, improved nonmotorized transportation facilities,
33 high occupancy vehicle facilities, parking cash-out programs, and
34 transportation control measures. The air quality management
35 district or the air pollution control district shall establish and
36 periodically revise a list of approved improvements, programs,
37 and actions that meet the scope of this paragraph. If an
38 improvement, program, or action on the approved list has not been
39 fully implemented, it shall be deemed to contribute to significant
40 improvements in air quality. If an improvement, program, or action

1 is not on the approved list, it shall not be implemented unless
2 approved by the local air quality management district or air
3 pollution control district.

4 (4)

5 (3) An action plan, consistent with the provisions of Chapter 5
6 (commencing with Section 66000), that shall be implemented,
7 consisting of ~~improvements identified in paragraph (2), or~~
8 improvements, programs, or actions identified in paragraph ~~(3);~~
9 (2), that are found by the agency to be in the interest of the public
10 health, safety, and welfare. The action plan shall include a specific
11 implementation schedule. The action plan shall include
12 implementation strategies for those jurisdictions that have
13 contributed to the cause of the deficiency in accordance with the
14 agency's deficiency plan procedures. The action plan need not
15 mitigate the impacts of any exclusions identified in subdivision
16 (f). Action plan strategies shall identify the most effective
17 implementation strategies for improving current and future system
18 performance.

19 (d) A local jurisdiction shall forward its adopted deficiency plan
20 to the agency within 12 months of the identification of a deficiency.
21 The agency shall hold a noticed public hearing within 60 days of
22 receiving the deficiency plan. Following that hearing, the agency
23 shall either accept or reject the deficiency plan in its entirety, but
24 the agency may not modify the deficiency plan. If the agency
25 rejects the plan, it shall notify the local jurisdiction of the reasons
26 for that rejection, and the local jurisdiction shall submit a revised
27 plan within 90 days addressing the agency's concerns. Failure of
28 a local jurisdiction to comply with the schedule and requirements
29 of this section shall be considered to be nonconformance for the
30 purposes of Section 65089.5.

31 (e) The agency shall incorporate into its deficiency plan
32 procedures, a methodology for determining if deficiency impacts
33 are caused by more than one local jurisdiction within the
34 boundaries of the agency.

35 (1) If, according to the agency's methodology, it is determined
36 that more than one local jurisdiction is responsible for causing a
37 deficient segment or intersection, all responsible local jurisdictions
38 shall participate in the development of a deficiency plan to be
39 adopted by all participating local jurisdictions.

(2) The local jurisdiction in which the deficiency occurs shall have lead responsibility for developing the deficiency plan and for coordinating with other impacting local jurisdictions. If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements of paragraph (a) of this section, that jurisdiction shall be considered in nonconformance with the program for purposes of Section 65089.5.

(3) The agency shall establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities of this section.

(f) The analysis of the cause of the deficiency prepared pursuant to paragraph (1) of subdivision (c) shall exclude the following:

(1) Interregional travel.

(2) Construction, rehabilitation, or maintenance of facilities that impact the system.

(3) Freeway ramp metering.

(4) Traffic signal coordination by the state or multi-jurisdictional agencies.

(5) Traffic generated by the provision of low-income and very low income housing.

~~(6) (A) Traffic generated by high-density residential development located within one-fourth mile of a fixed rail passenger station, and~~

~~(B)~~

(6) Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing, as determined by the agency: *a transit priority project area or infill opportunity zone. For purposes of this paragraph, "mixed use development" means development that integrates compatible commercial or retail uses, or both, with residential uses, and that, due to the proximity of job locations, shopping opportunities, and residences, will discourage new trip generation.*

~~(g) For the purposes of this section, the following terms have the following meanings:~~

~~(1) "High density" means residential density development which contains a minimum of 24 dwelling units per acre and a minimum~~

1 density per acre which is equal to or greater than 120 percent of
2 the maximum residential density allowed under the local general
3 plan and zoning ordinance. A project providing a minimum of 75
4 dwelling units per acre shall automatically be considered high
5 density.

6 (2) ~~“Mixed use development” means development which~~
7 ~~integrates compatible commercial or retail uses, or both, with~~
8 ~~residential uses, and which, due to the proximity of job locations,~~
9 ~~shopping opportunities, and residences, will discourage new trip~~
10 ~~generation.~~

11 (7) *Traffic generated by any transit priority project, as defined*
12 *in Section 21155 of the Public Resources Code.*

13 (8) *Improvements to facilities for bicyclists, pedestrians, and*
14 *public transportation.*

15 (g) *Nothing in this section shall be interpreted to require a local*
16 *agency to implement improvements to reduce delay at intersections*
17 *or roadway segments that the local agency determines would*
18 *impede the development of a balanced, multimodal transportation*
19 *network that meets the needs of all users of the streets, roads, and*
20 *highways for safe and convenient travel in a manner set forth in*
21 *the circulation element of the local agency’s general plan.*

22 SEC. 7. *If the Commission on State Mandates determines that*
23 *this act contains costs mandated by the state, reimbursement to*
24 *local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*

27 SEC. 8. *This act is an urgency statute necessary for the*
28 *immediate preservation of the public peace, health, or safety within*
29 *the meaning of Article IV of the Constitution and shall go into*
30 *immediate effect. The facts constituting the necessity are:*

31 *In order to reduce the financial burden and hurdles to*
32 *development caused by duplicative transportation and land use*
33 *planning analyses, and to give local agencies flexibility to quickly*
34 *update their plans to provide for a safe transportation system for*
35 *all users, it is necessary that this act take effect immediately.*

36 SECTION 1. ~~Section 21099 of the Public Resources Code is~~
37 ~~amended to read:~~

38 21099. (a) ~~For purposes of this section, the following terms~~
39 ~~mean the following:~~

1 ~~(1) “Employment center project” means a project located on~~
2 ~~property zoned for commercial uses with a floor area ratio of no~~
3 ~~less than 0.75 and that is located within a transit priority area.~~

4 ~~(2) “Floor area ratio” means the ratio of gross building area of~~
5 ~~the development, excluding structured parking areas, proposed for~~
6 ~~the project divided by the net lot area.~~

7 ~~(3) “Gross building area” means the sum of all finished areas~~
8 ~~of all floors of a building included within the outside faces of its~~
9 ~~exterior walls.~~

10 ~~(4) “Infill site” means a lot located within an urban area that~~
11 ~~has been previously developed, or on a vacant site where at least~~
12 ~~75 percent of the perimeter of the site adjoins, or is separated only~~
13 ~~by an improved public right-of-way from, parcels that are~~
14 ~~developed with qualified urban uses.~~

15 ~~(5) “Lot” means all parcels utilized by the project.~~

16 ~~(6) “Net lot area” means the area of a lot, excluding publicly~~
17 ~~dedicated land and private streets that meet local standards, and~~
18 ~~other public use areas as determined by the local land use authority.~~

19 ~~(7) “Transit priority area” means an area within one-half mile~~
20 ~~of a major transit stop that is existing or planned, if the planned~~
21 ~~stop is scheduled to be completed within the planning horizon~~
22 ~~included in a Transportation Improvement Program adopted~~
23 ~~pursuant to Section 450.216 or 450.322 of Title 23 of the Code of~~
24 ~~Federal Regulations.~~

25 ~~(b) (1) The Office of Planning and Research shall prepare,~~
26 ~~develop, and transmit to the Secretary of the Natural Resources~~
27 ~~Agency for certification and adoption proposed revisions to the~~
28 ~~guidelines adopted pursuant to Section 21083 establishing criteria~~
29 ~~for determining the significance of transportation impacts of~~
30 ~~projects within transit priority areas. Those criteria shall promote~~
31 ~~the reduction of greenhouse gas emissions, the development of~~
32 ~~multimodal transportation networks, and a diversity of land uses.~~
33 ~~In developing the criteria, the office shall recommend potential~~
34 ~~metrics to measure transportation impacts that may include, but~~
35 ~~are not limited to, vehicle miles traveled, vehicle miles traveled~~
36 ~~per capita, automobile trip generation rates, or automobile trips~~
37 ~~generated. The office may also establish criteria for models used~~
38 ~~to analyze transportation impacts to ensure the models are accurate,~~
39 ~~reliable, and consistent with the intent of this section.~~

1 ~~(2) The Office of Planning and Research may determine that~~
2 ~~transportation impacts, including as measured by vehicle miles~~
3 ~~traveled, for residential and mixed-use projects in transit priority~~
4 ~~areas do not meet the threshold of significance.~~

5 ~~(3) Upon certification of the guidelines by the Secretary of the~~
6 ~~Natural Resources Agency pursuant to this section, automobile~~
7 ~~delay, as described solely by level of service or similar measures~~
8 ~~of vehicular capacity or traffic congestion shall not be considered~~
9 ~~a significant impact on the environment pursuant to this division;~~
10 ~~except in locations specifically identified in the guidelines, if any.~~

11 ~~(4) This subdivision does not relieve a public agency of the~~
12 ~~requirement to analyze a project's potentially significant~~
13 ~~transportation impacts related to air quality, noise, safety, or any~~
14 ~~other impact associated with transportation. The methodology~~
15 ~~established by these guidelines shall not create a presumption that~~
16 ~~a project will not result in significant impacts related to air quality,~~
17 ~~noise, safety, or any other impact associated with transportation.~~
18 ~~Notwithstanding the foregoing, the adequacy of parking for a~~
19 ~~project shall not support a finding of significance pursuant to this~~
20 ~~section.~~

21 ~~(5) This subdivision does not preclude the application of local~~
22 ~~general plan policies, zoning codes, conditions of approval,~~
23 ~~thresholds, or any other planning requirements pursuant to the~~
24 ~~police power or any other authority.~~

25 ~~(e) (1) The Office of Planning and Research may adopt~~
26 ~~guidelines pursuant to Section 21083 establishing alternative~~
27 ~~metrics to the metrics used for traffic levels of service for~~
28 ~~transportation impacts outside transit priority areas. The alternative~~
29 ~~metrics may include the retention of traffic levels of service, where~~
30 ~~appropriate and as determined by the office.~~

31 ~~(2) This subdivision shall not affect the standard of review that~~
32 ~~would apply to the new guidelines adopted pursuant to this section.~~

33 ~~(d) (1) Aesthetic and parking impacts of a residential, mixed-use~~
34 ~~residential, or employment center project on an infill site within~~
35 ~~a transit priority area shall not be considered significant impacts~~
36 ~~on the environment.~~

37 ~~(2) (A) This subdivision does not affect, change, or modify the~~
38 ~~authority of a lead agency to consider aesthetic impacts pursuant~~
39 ~~to local design review ordinances or other discretionary powers~~
40 ~~provided by other laws or policies.~~

- 1 ~~(B) For the purposes of this subdivision, aesthetic impacts do~~
2 ~~not include impacts on historical or cultural resources.~~
3 ~~(c) This section does not affect the authority of a public agency~~
4 ~~to establish or adopt thresholds of significance that are more~~
5 ~~protective of the environment.~~

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